

## **401 KAR 52:070. Registration of designated sources.**

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. There is no federal mandate for this administrative regulation. This administrative regulation establishes the procedure for the registration of designated air contaminant sources in Kentucky.

Section 1. Applicability. This administrative regulation shall apply to:

(1) Sources that emit or have the potential to emit (PTE):

(a) Two (2) tpy or more but less than ten (10) tpy of a HAP;

(b) Five (5) tpy or more but less than twenty-five (25) tpy of combined HAPs; or

(c) For other regulated air pollutants:

1. Ten (10) tpy or more but less than twenty-five (25) tpy of a pollutant subject to an applicable requirement that does not specify the method for achieving compliance;

2. Ten (10) tpy or more but less than 100 tpy of a pollutant subject to an applicable requirement that clearly specifies the method of compliance; or

3. Ten (10) tpy or more but less than 100 tons per year of a pollutant for which there is no applicable requirement; or

(2) Sources that emit less than the cutoffs in subsection (1) of this section but are subject to an applicable requirement in 40 C.F.R. Parts 60, 61, or 63.

Section 2. Exemptions. (1) The following sources shall be exempt from this administrative regulation:

(a) Sources that are required to be permitted under 401 KAR 52:020, 401 KAR 52:030, or 401 KAR 52:040;

(b) Sources that emit only nonprocess fugitive emissions;

(c) Sources subject only to the requirements of 40 C.F.R. 60.530 to 60.539b, Standards of Performance for New Residential Wood Heaters;

(d) Sawmills that produce only rough-cut or dimensional lumber from logs and which have a rated capacity of 5,000 board feet per hour or less, if the source does not include an indirect heat exchanger or waste wood burner subject to an applicable requirement in 40 C.F.R. Part 60 or 401 KAR Chapters 59 or 61.

(2) The following activities shall be exempt from this administrative regulation:

(a) Vehicles used for the transportation of passengers or freight;

(b) Publicly-owned roads;

(c) Asbestos demolition or renovation operations subject only to an applicable requirement in 401 KAR Chapter 58;

(d) Open burning covered under 401 KAR 63:005; and

(e) Activities or emission units contained in the "List of Trivial Activities", which the cabinet shall maintain and make available:

1. On request by calling the Division for Air Quality, Permit Support Section, at (502) 564-3999; and

2. On the Internet at: <http://air.ky.gov>.

Section 3. General Provisions. (1) Sources that are subject to this administrative regulation shall:

- (a) Register with the cabinet;
- (b) Comply with all applicable requirements; and
- (c) 1. Allow authorized representatives of the cabinet to enter the premises at all reasonable times:
  - a. To access and copy any records required by this administrative regulation;
  - b. To inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
  - c. To sample or monitor substances or parameters to determine compliance with applicable requirements.
- 2. Reasonable times shall be:
  - a. During all hours of operation;
  - b. During normal office hours; or
  - c. During an emergency.
- (2) Sources that are located in ozone nonattainment areas and emit or have the potential to emit twenty-five (25) tpy or more of VOC or NO<sub>x</sub> shall submit an annual emission certification as follows:
  - (a) During the first quarter of each calendar year, the cabinet shall survey these sources to determine their actual emissions during the preceding calendar year and the source shall:
    - 1. Make the appropriate additions or corrections to the survey;
    - 2. Return the updated survey to the cabinet within thirty (30) days of the date that the survey is mailed to the source. For this response:
      - a. Each day past the deadline that a source fails to submit the required information shall be a separate violation of this administrative regulation;
      - b. If no response is received by the deadline, the cabinet shall estimate the actual emissions based on prior history and other relevant information that is available; and
  - (b) Failure of the cabinet to notify a source under this subsection shall not relieve the source from the obligation to submit an emissions statement.
- (3) The cabinet may require registered sources to demonstrate compliance with applicable requirements.

Section 4. When to Register. (1) New sources. Sources that commence construction after the effective date of this administrative regulation shall submit a registration form to the cabinet prior to commencing construction.

(a) A source may commence construction immediately upon submittal of a complete registration form.

(b) The cabinet shall review the registration form and shall notify the source within sixty (60) days of receipt that:

- 1. A permit or registration is not required;
- 2. The registration as submitted is accepted; or
- 3. The source is required to obtain a permit and is required to take the specified action.

(2) Existing registered sources. Sources that are registered with the cabinet and plan to reconstruct or modify shall comply with the following:

(a) Sources that remain eligible for registration after the change:

- 1. Shall submit a registration form to the cabinet prior to commencing reconstruction or modification; and
- 2. May commence reconstruction or modification immediately upon submittal of the registration form.

(b) Sources that are not eligible for registration after the change shall:

1. Submit an application under 401 KAR 52:020, 401 KAR 52:030, or 401 KAR 52:040 as applicable; and
2. Obtain the appropriate permit prior to commencing reconstruction or modification.

Section 5. Registration at the Cabinet's Request. (1) Upon request by the cabinet, a source that has commenced construction or operation without a permit or registration shall submit a registration form within thirty (30) days of request.

(2) The cabinet shall review the registration form and within sixty (60) days of receipt:

- (a) Shall notify the source that a permit or registration is not required; or
- (b) If a permit or registration is required, shall specify the action the source is required to take, and may issue a notice of violation.

Section 6. Rescinding an Existing Permit. (1) A source that has a permit and is eligible for registration may request that the cabinet rescind its permit by submitting:

- (a) A complete registration form; and
- (b) A letter requesting the cabinet to rescind the permit.

(2) The cabinet shall review the request and shall notify the source within sixty (60) days of receipt that:

- (a) The request is approved and the permit has been rescinded; or
- (b) The request is denied and shall specify the reason for denial and any action the source is required to take.

Section 7. How to Register. (1) Registration shall be made using:

(a) Form DEP7039A, which is incorporated by reference in Section 8 of this administrative regulation; or

(b) Form DEP7105 for gasoline dispensing facilities which are subject to 401 KAR 59:174.

(2) Forms DEP7039A and DEP7105 may be obtained by contacting the Kentucky Division for Air Quality, Emissions Inventory Section, 300 Sower Boulevard, Frankfort, Kentucky 40601, phone (502) 564-3999, fax (502) 564-4666.

(3) Completed registration forms shall be submitted to Kentucky Division for Air Quality, Attn: EIS Section, 300 Sower Boulevard, Frankfort, Kentucky 40601.

Section 8. Incorporation by Reference. (1) "Form DEP7039A, Minor Source Registration", May 2000, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

(a) The Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601, phone (502) 564-3999, fax (502) 564-4666;

(b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102-8942, (606) 929-5285;

(c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky 42101, (270) 746-7475;

(d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 564-3999;

(e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502) 564-3358;

(f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(g) London Regional Office, 875 S. Main Street, London, Kentucky 40741, (606) 330-2080;

(h) Owensboro Regional Office, 3032 Alvey Park Drive, W., Suite 700, Owensboro, Kentucky 42303, (270) 687-7304; and

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-8468. (27 Ky.R. 636; Am. 1299; 1794; eff. 1-15-2001; TAm eff. 8-9-2007; TAm. eff. 5-20-2010; TAm eff. 9-16-2013; TAm eff. 4-2-2014; TAm eff. 7-8-2016.)